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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,229	10/21/2003	Mats Cedervall	51410/P033US/10306063	4947

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EXAMINER	
DOAN, KIET M	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,229	CEDERVALL, MATS	
	Examiner	Art Unit	
	Kiet Doan	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *01/26/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. **Claim 1-2, 4, 6-10, 15, 23-29, 31 and 33-39** are rejected under 35 U.S.C. 102(e) as being anticipated by Soliman (Pub. No. 2002/0034947).

Consider **claim 1**, Soliman teaches a mobile device comprising: means for detecting when the mobile device has moved from a first base station coverage area to a second base station coverage area (Page 1, Paragraphs [0013-0014], Page 2, Paragraph [0019], Fig.1, Illustrate mobile device as No.26 wherein move from a first base station coverage area to a second base station coverage area); and means for creating a data-layer message, the message comprising an identification of the second base station (Page 1, Paragraphs [0013-0014], Page 2, Paragraphs [0016-0017], [0019], Page 3, Paragraph [0042], [0048], Fig.1, teach base station controller contain position data base Fig.2, No.50 which identification the second base station as Fig.1, No.20).

Consider **claim 2**, Soliman teaches the mobile device of claim 1 further comprising: means for transmitting the data-layer message to a location-tracking application (Page 2, Paragraph [0018]).

Consider **claims 4, 7 and 15,** Soliman teaches the mobile device of claim 1 wherein the message is a short message service (SMS) message wireless application protocol (WAP) wireless transport layer (WTP) connection (Page 6, Paragraph [0075])

Consider **claims 6, 28 and 38,** Soliman teaches the mobile device of claim 1 wherein the message comprises network measurement report information (Page 7, Paragraphs [0083-0083] teach measurement).

Consider **claim 8**, Soliman teaches the mobile device of claim 1 wherein the means for detecting and the means for creating comprise software applications running on a processor within the mobile device (Page 3, Paragraphs [0045-0047]).

Consider **claims 9, 32 and 39,** Soliman teaches the mobile device of claim 1 further comprising: means, selectable by a user, for preventing the creating of the data-layer message (Page4, Paragraphs [0057-0060], Fig.2, No.48 teach selector wherein users of mobile can select for preventing the creating).

Consider **claim 10**, Soliman teaches a method for providing location information from a wireless device comprising: detecting when the wireless device changes from a first cell to a second cell (Page 1, Paragraphs [0013-0014], Page 2, Paragraph [0019], Fig.1, Illustrate mobile device as No.26 wherein move from a first cell No.22 to a second cell No.24); and sending a data-layer message from the wireless device to a location

application, wherein the data message comprises an identification of the second cell (Page 2, Paragraphs [[0016-0017], Page 3, Paragraph [0042], [0048], Fig.1, teach base station controller contain position data base Fig.2, No.50 which identification the second base station as Fig.1, No.20).

Consider **claim 23**, Soliman teaches a mobile device comprising: means for detecting when the mobile device has moved a predetermined distance; and means for creating a data-layer message, the message comprising location information for the mobile device (Page 1, Paragraphs [0013-0014], Page 2, Paragraph [0019], [0016-0017], Page 3, Paragraph [0042], [0048]).

Consider **claim 24**, Soliman teaches the mobile device of claim 23 wherein the location information is geographical coordinates (Page 3, Paragraph [0043]).

Consider **claim 25**, Soliman teaches the mobile device of claim 23 wherein the location information is an identifier for a base station currently in communication with the mobile device (Page, 3, Paragraph [0042-43], Fig.2, No.50 teach location information is an identifier for a base station).

Consider **claim 26**, Soliman teaches the mobile device of claim 23 further comprising: a global positioning system (GPS) apparatus capable of providing location information for the mobile device (Page 3, Paragraph [0043]).

Consider **claim 27**, Soliman teaches the mobile device of claim 26 further comprising: assisted GPS (AGPS) means for improving location accuracy using information from a wireless network (Page 3, Paragraph [0043-0046]).

Consider **claim 29**, Soliman teaches the mobile device of claim 23 wherein the data-layer message further comprises: status information for the mobile device (Page 3, Paragraph [0042]).

Consider **claim 31**, Soliman teaches the mobile device of claim 23 further comprising: means for sending the data-layer message to a predesignated address whenever the mobile device moves a specified distance (Page 3, Paragraph [0045]).

Consider **claim 33**, Soliman teaches a method for providing location information comprising: detecting, at a mobile device, when the mobile device has moved a predetermined distance; and sending a data-layer message to a predesignated address, the message comprising location information for the mobile device (Page 1, Paragraphs [0013-0014], Page 2, Paragraph [0019], [0016-0017], Page 3, Paragraph [0042], [0048]).

Consider **claim 34**, Soliman teaches the method of claim 33 further comprising: receiving, at the mobile device, instructions to send the data-layer message to the

predesignated address (Page 3, Paragraphs {0036-0039], [0047-0048]).

Consider **claim 35**, Soliman teaches the method of claim 33 further comprising: receiving, at the mobile device, instructions to send the data-layer message whenever the mobile device moves a specified distance (Page 3, Paragraphs [0047-0048]).

Consider **claim 36**, Soliman teaches the method of claim 33 further comprising: receiving, at the mobile device, instructions to send the data-layer message whenever the mobile device enters and/or leaves an area identified in a list of one or more areas (Page 1, Paragraph [0006], Page 2, Paragraph [0034-0035]).

Consider **claim 37**, Soliman teaches the method of claim 36 wherein the list of one or more areas comprises areas selected of the group consisting of: wireless network location areas; geographic areas; and wireless network cells (Page 1, Paragraph [0006], Page 2, Paragraph [0034-0035], Page 3, Paragraphs [0043-45]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman (Pub. No. 2002/0034947) in view of Zamat (Patent No. 6,321,068).

Consider **claim 11**, Soliman teaches the limitation of claim as discuss above **but fail to teaches** the method of claim 10 further comprising: monitoring a first power level of a first base station signal in the first cell; monitoring a second power level of a second base station signal in the second cell; and determining when the second base station signal is greater than the first base station signal.

In an analogous art, Zamat teaches "Detection of transmitted power using receive signal strength circuitry". Further, Zamat teaches the method of claim 10 further comprising: monitoring a first power level of a first base station signal in the first cell; monitoring a second power level of a second base station signal in the second cell; and determining when the second base station signal is greater than the first base station signal (Abstract, C1, L41-51, C4, L7-49).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Soliman and Zamat system, such that monitoring a first/second power level of a first/second base station signal in the first/second cell and determining when the second base station signal is greater than the first base station signal, to provide means for keeping strong connection when users move to new/second base station.

Consider **claim 12**, Soliman teaches the method of claim 10 further comprising: receiving, from the location server, a provisioning message comprising data selected

from the group consisting of: a data address that is to receive the data-layer message; a start time of an event watch; an end time of the event watch; a minimum reporting interval; a list of cells or areas for which the wireless device should send the data-layer message when leaving or entering; and a list of wireless device status indicators for which the data-layer message should be sent (Page 3, Paragraphs [0043-0048]).

3. **Claims 3, 5, 13-14, 16-22,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman (Pub. No. 2002/0034947) in view of Aho (Pub. No. 2001/0005675).

Consider **claim 3, 5, 13, 16 and 22**, Soliman teaches the limitation of claim as discuss above **but fail to teach** the mobile device of claim 1 wherein the message is an electronic mail message/ multimedia messaging service (MMS) message.

In an analogous art, Aho teaches "Transferring of a message". Further, Aho teaches the mobile device of claim 1 wherein the message is an electronic mail message/ multimedia messaging service (MMS) message (Page 6, paragraphs [0076-0077]).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Soliman and Aho system, such that mobile device transmits message is an electronic mail message/ multimedia messaging service (MMS), to provide means for fast/speed which contain image for easy read.

Consider **claims 14 and 21**, Aho teaches the method of claim 10 wherein the

data-layer message is directed to a uniform resource locator (URL) that is identified by the location application (Page 4, Paragraph [0054]).

Consider **claim 17**, Aho teaches a method for obtaining location information comprising: sending a message to a mobile device, wherein the message identifies a data address to which the mobile device is to send report messages whenever the mobile device switches cells in a wireless network; and receiving report messages from the mobile device, wherein the report messages comprise a currently serving cell identifier for the mobile device (Page 1, Paragraphs [0008-010], Page 2, Paragraph [0011-0012])

Consider **claims 18**, Soliman teaches the method of claim 17 further comprising: correlating the currently serving cell identifier to physical location information; and sending the physical location information to a location-based application (Page 3, Paragraphs [0043-0044], teach position detect which included GPS wherein identify to physical location information).

Consider **claim 19**, Soliman teaches the method of claim 18 wherein the location-based application provides a service based upon the physical location information (Page 3, Paragraphs [0043-0046]).

Consider **claim 20**, Aho teaches the method of claim 19 wherein the service is

selected from the group consisting of: advertising services; instant messenger services; and tracking services (Page 6, Paragraphs [0077-0078], teach massage service which inherently contain advertising/instant messenger and tracking services).

4. **Claim 30** rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman (Pub. No. 2002/0034947) in view of Aho (Pub. No. 2001/0005675) and further view of Theppasandra et al. (Patent No. 6,473,615).

Consider **claim 30**, Soliman and Aho teach he limitation of claim as discuss above **but fail to teach** the mobile device of claim 29 wherein the status information is selected from the group consisting of: network presence information; busy status; idle status; and a change in status.

In an analogous art, Theppasandra teaches "Selective call notification in a wireless network". Further, Theppasandra teaches the mobile device of claim 29 wherein the status information is selected from the group consisting of: network presence information; busy status; idle status; and a change in status (C3, L32-45).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Soliman, Aho and Theppasandra system, such that: network presence information; busy status; idle status; and a change in status, to provide means for determent status of base station before the connection is make.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kiet Doan
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